



**Nursing Care Quality Assurance Commission
Business Meeting Minutes
September 8, 2006
Red Lion Hotel
Port Angeles, WA 98362**

**Commission Members
present:**

Dr. Judith D. Personett, EdD, RN, Chair
Susan Wong, MBA, MPA, RN, Vice-Chair
Linda Batch, LPN
Richard Cooley, LPN
William Hagens, Public Member
Todd Herzog, CRNA
Lorrie Hodges, LPN
Rev. Ezra Kinlow, Public Member
Jacqueline Rowe, RN
Robert Salas, RN
Diane Sanders, RN
Rhonda Taylor, RN
Susan Woods, PhD, RN, FAHA, FAAN
Erica Benson-Hallock, MPPA, Public Member

**Assistant Attorney General
Present:**

Gail Yu, Assistant Attorney General

Staff present:

Paula R. Meyer, RN, MSN, Executive Director
Kris McLaughlin, Secretary
Usrah Claar-Rice, MS, MSN, RN, Nurse Education Manager
Chuck Cumiskey, RN, BSN, MBA, Nurse Practice Manager
Mary Dale, Nurse Discipline Manager
Trent Kelly, Supervising Staff Attorney
Taylor Stair, Health Services Consultant
Terry West, Health Services Consultant

In accordance with the Open Public Meetings Act, approximately 1339 special meeting notices were sent to individuals requesting notification of the Department of Health (DOH) Nursing Care Quality Assurance Commission (NCQAC) meetings.

1. Dr. Judith D. Personett, EdD, RN, Chair

- Call to order – Dr. Personett called the meeting to order at 8:35AM on September 8, 2006.
- Introductions – The NCQAC members introduced themselves as well as the DOH staff and audience.
- Order of the Agenda – Mr. Todd Herzog will provide a report on Continuing Competency after item #6.
- Correspondence - None
- Announcements - None

2. Consent Agenda – DISCUSSION/ACTION

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the NCQAC without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- A. Approval of minutes
 - 1. July business meeting
 - 2. Disciplinary Hearing minutes
 - May 18, 2006
 - June 15, 2006
 - 4. Licensing and Discipline sub-committee
 - 5. Consistent Standards of Practice sub-committee
 - 6. Continuing Competency sub-committee
 - 7. Nursing Program Approval Panel (NPAP)
- B. National Council of State Boards of Nursing (NCSBN) correspondence
 - Donna Dorsey letter July 20, 2006
- C. DOH correspondence
- D. Licensing statistics

ACTION: The NCQAC made and passed a motion to accept the consent agenda.

3. Chair Report – Dr. Judith Personett – DISCUSSION/ACTION

A. NCSBN Annual Meeting and House of Delegates.

DISCUSSION: Dr. Personett gave a report on the NCSBN annual meeting and House of Delegates held in Salt Lake City, August 1 – 4, 2006. Dr. Donna Hathaway a presented “Preparing Nurse leaders for excellence today and tomorrow”. She also stated that nurses have a responsibility to create the future for our patients, for our profession, and for the health of the public. Roch Parayre, PhD spoke about planning in a world of uncertainty.

- **LPN/LVN meeting –**

DISCUSSION: Ms. Lorrie Hodges also attended the annual meeting and gave an example of how focused we can get and miss those details that truly matter.

- **Research conducted by National Council of State Boards of Nursing – Paula Meyer**

DISCUSSION: Ms. Paula Meyer reported on the research initiatives conducted by Kevin Kenward, Director of Research and Sulling Li, Associate Director of Research for NCSBN. They stated that by the year 2015 entry into advance practice will require a Doctoral degree. A report and findings from the practice and professional issues survey was

completed in the Fall of 2004 by Kenin Kenward, PhD and Elizabeth H. Zhong, PhD, PEd. In the Fall of 2006 another National survey on the elements of nursing education was completed by Suling Li, PhD, RN and Kevin Kenward, PhD. The specific aims for conducting the survey were to

- describe the elements of nursing education,
- measure perceived adequacy of preparation for practice,
- describe transition activities and practice characteristics of newly licensed nurse graduates,
- examine the relationship between perceived adequacy of preparation for practice and difficulty with client care assignments, and,
- identify the elements of nursing education that lead to better preparation of new nurse graduates.

Copies of any of these studies are available by calling the DOH at (360) 236-4713.

B. Health Professions Quality Assurance (HPQA) Uniform Disciplinary Act (UDA) task force

DISCUSSION: Dr. Personett reported that in 1984, the UDA was enacted to provide uniform grounds for disciplinary action of all regulated health care providers in Washington State. In 1987 the UDA included administrative provisions for licensing. At the September 2006 Annual Boards, Commission and Committee conference a full report of the task force will be presented.

C. September 28-29, 2006 – Board, Commission Leadership Forum, Workshop, and, Board, Commission Committee Conference

DISCUSSION: Ms. Paula Meyer reported that the annual Board, Commission, Committee conference is titled “The Patient Safety Partnership”. A dinner and discussion on two Superior Court decisions will be presented on Thursday evening.

4. Executive Director Report – Paula Meyer

A. NCQAC Newsletter planning – Terry West

DISCUSSION: Ms. Terry West reported the first quarterly publication of the nursing newsletter will be in January 2007. A list of articles and topics were provided that included assignments and deadlines. The lists of articles were from a brainstorming session at the July workshop where the commission members, pro tems, staff and guests developed the list. It was agreed that too much information would be better than not enough for the 32 page newsletter. Additional articles can be used for future newsletters. Additional suggestions for articles were provided. After the articles are compiled they will be reviewed by members and the executive director will have the final approval before sending to the publisher. The articles will then be sent to the publisher for formatting, and returned to the executive director for final approval. These will be short turnaround times.

DECISION: The members agreed with the newsletter articles, persons responsible and deadlines. A copy of the list will be provided to the NCQAC members and staff. A professional photographer will be taking photos of the NCQAC members at the November business meeting. Volunteers for reviewing the first edition are Susan Wong, Rick Cooley and Bill Hagens.

B. Consider rule making to delegate decisions to open complaints to investigations by staff according to thresholds determined by the NCQAC – Mary Dale

DISCUSSION: Ms. Meyer explained the A & B vs. Yoshinaka Appellate Court Case. Ms. Mary Dale explained the new process for opening cases. Case management is held every Tuesday morning including three commission members, one staff attorney, one investigator and two DOH staff to decide whether or not to open cases to investigation. Each week approximately twenty complaints are reviewed, about 1/3 go to investigations and the remainder are closed. Ms. Dale stated that this process is going well. She also stated the importance of all the information on the cases getting to the reviewing commission members. The importance of communication between the reviewing commission member and the investigator was discussed. The facilities know what to report but need to know how to report a complaint so everyone has all the information. All cases are read word for word.

ACTION: A motion was made and passed to continue with the current weekly case management process.

C. Use of Collection Agencies for non-compliance with fines – Mary Dale

DISCUSSION: Mr. Trent Kelly explained the Procedure 262 Compliance monitoring. Whenever a disciplining authority's order establishes conditions or terms, program staff monitors compliance with the order. The procedure describes the process to use for monitoring and enforcing a respondent's compliance; and when the disciplinary authority considers utilizing compliance appearances. Ms. Adena Nolet, compliance monitor for HPQA Section Six, identified all outstanding fines then sent letters to the respondents stating their outstanding fine will be sent to collection if not paid. Most of the fines have been paid.

D. Charging panel and Hearing panel decisions –

DISCUSSION: Mr. Trent Kelly gave the history on the action and process used when a hearing panel disagrees with the charging panel and an agreed order is not accepted.

E. NCSBN committee assignments: Dr. Judith Personett, chair, Resolutions Committee; Dr. Susan Woods, Awards Panel

DISCUSSION:

Rhonda Taylor has been chosen for the Item Reviewers Panel for the NCLEX examination.

Mr. Todd Herzog explained that the Advance Practice Registered Nurse task force of the NCSBN is in need of Certified Registered Nurse Anesthetist members. Mr. Herzog was not able to assist the task force as a member, but will receive all their materials to review.

When you are participating on a NCSBN subcommittee, even if the travel is financially supported by the NCSBN, it is subject to DOH approval. Therefore it is vital to let staff know as soon as possible the dates that you will be traveling so the appropriate paperwork can be completed and approved prior to attending.

F. Sub-committee and charging panel assignments - Paula Meyer

Discussion: Mr. Rick Cooley expressed his concern taking time off work to participate on a disciplinary panel and the hearing is cancelled therefore losing a day's wages. Mr. Herzog suggested signing up for only two hearings a year for those in independent practice.

G. Calendar of business meetings, hearings, sub-committee meetings, out of state travel – Paula Meyer

DISCUSSION: Ms. Meyer and Ms. Kris McLaughlin will work on a master calendar for all business meetings, workshops, hearings, sub-committee meetings and out of state travel. The master calendar will be provided to the commission at the November meeting.

5. Discussion items – No discussion items at this meeting.

6. Advisory Opinions/Interpretive Statements – Mariann Williams and Chuck Cumiskey -

DISCUSSION: Mr. Chuck Cumiskey, Mr. Todd Herzog, Ms. Mariann Williams and Ms. Lorrie Hodges reviewed the advisory opinions process. They recommended that anything older than five years be archived. The procedure addresses the requests for advisory opinions, trends in requests, use of the Scope of Practice Decision Tree, and a retention schedule for advisory opinions. A request was made that the NCQAC consider rescinding all advisory opinions that have been archived and considered out of date. Any advisory opinion is not legally binding and does not have the force of law.

DECISION: At the November business meeting a list of all rescinded Advisory Opinions will be provided.

ACTION: A motion was made and passed by the commission to keep only advisory opinions that are five years or less.

7. Advanced Registered Nurse Practice (ARNP) interim permits – Terry West

DISCUSSION: Ms. West explained how RCW 18.79.180 allows the NCQAC to issue interim permits and WAC 246-840-350 describes the interim permit process for ARNP's. Neither the RCW nor the WAC defines a time limit for the interim permit. The draft procedure "Advanced Registered Nurse Practitioner Interim Permits" was presented.

DECISION: A decision was made to amend the purpose of the draft procedure to state "The procedure is being changed to allow up to sixty days or by being notified by the exam company".

ACTION: A motion was made and passed to adopt the Advanced Registered Nurse Practitioner Interim Permit policy with corrections.

8. Nursing Technicians and Nursing Sexual Misconduct Rules – Paula Meyer

DISCUSSION: Ms. Meyer reported that the NCQAC rules on sexual misconduct apply to nursing technicians. The NCQAC had approved opening the rules to clarify and list the inclusion of nursing technicians. The draft language and a timetable for adoption were presented. All rules have been discussed with Gail Yu, Assistant Attorney General and they are completely under the authority of the NCQAC and the fees are set according to the Secretary of the DOH.

ACTION: A motion was made and passed that Ms. Meyer and Ms. West will work on a fee study.

9. Mutual State Recognition of Nursing Licenses Stakeholder Plan and Materials – Paula Meyer

DISCUSSION: Ms. Meyer explained that in 1998, the NCQAC approved the concepts of Mutual State Recognition (MSR) of licenses with limited progress. The NCQAC received education and an update on the MSR Model at their July workshop. The stakeholder plan and materials to be shared were presented as well as the results of Gallup poll, conducted by NCSBN. This will need to be ready in May 2007 for potential request legislation in 2008. No revenue loss was demonstrated previously but a fee study will need to be completed.

10. Office of the Superintendent of Public Instruction (OSPI) Oral Medication Bulletin – Paula Meyer, Chuck Cumiskey

DISCUSSION: The Oral Medications Bulletin was produced by the OSPI in 2000. Since then, statutory changes have occurred necessitating revisions of the bulletin. A copy of the oral medication bulletin was included in the July packets. Ms. Gail Thronson from the OSPI was introduced and available for any questions.

11. Staffing Model for the Delivery of School Health Services – Lorrie Hodges, Robert Salas, Rhonda Taylor - - DISCUSSION/ACTION

DISCUSSION: In 2000, the OSPI, DOH and the NCQAC published the Staffing Model for the Delivery of School Health Services. Since then, legislative changes and practice changes have been made and the publication was in need of revision. The NCQAC received recommendations from the committee who reviewed the thirteen page document for input to the DOH and the OSPI. The committee members included Ms. Lorrie Hodges, Mr. Robert Salas, Ms. Rhonda Taylor and Ms. Paula Meyer. Ms. Gail Thronson explained that we are the first state that addresses acuity of the students in schools.

DECISION: The committee requested input on the document and address comments to Ms. Hodges or Mr. Salas.

12. HPQA: Disciplinary Guidelines Manual and Sanctioning Guidelines for Secretary Professions – Paula Meyer

DISCUSSION: The HPQA Sanctioning Guidelines for Secretary Professions were presented to the NCQAC for information and review at the July 14 meeting. The NCQAC was asked to adopt the use of these guidelines. It was recommended to use the guidelines in conjunction with the manual.

ACTION: A motion was made and passed to accept the Sanctioning Guidelines for Secretary Professions.

13. Use of the Sanction Standards in Disciplinary Action - Mary Dale

DISCUSSION: Ms. Dale explained the NCQAC procedure on sanction guidelines and to move into standards. By changing the NCQAC Sanction guidelines A27.03 to standards A27.04 that would make them fixed standards and therefore less flexible than guidelines.

ACTION: A motion was made and passed to adopt the sanction standards.

14. November workshop items – Paula Meyer

DISCUSSION: Ms. Meyer explained that the workshops for the NCQAC members and pro tems will take place March and November of each year. The location for November meetings will be at the DOH Point Plaza East in Tumwater. The NCQAC members were asked for suggestions for topics for the November workshop.

- Review all HPQA disciplinary procedures and do case studies. Prepare for adoption at the November meeting.
- Review the Continuing Competency pilot
- Review the Board, Commission, Committee survey results
- Fiduciary responsibilities as a board/commission member
- Update on Legislation issues

11:30AM An Executive Session was not needed today

LUNCH

1:00PM–OPEN MIKE

Open mike is for public presentation of issues to the NCQAC. If the public has issues regarding disciplinary cases, please call: 360-236-4727.

Ms. Joan Garner, representing Washington State Nurses Association (WSNA) discussed the plans for the 2008 centennial celebration. WSNA was incorporated in 1908.

Ms. Garner expressed concerns of the invisibility of the NCQAC. She receives many calls and emails asking how to contact the 'board of nursing.' She made a suggestion to cross reference in the telephone books the NCQAC and board of nursing. There was discussion on why the Board of Nursing name changed to the Nursing Care Quality Assurance Commission. It was stated that the public continues to recognize the Board of Nursing and that is why it is so difficult to locate them in the phone books or website.

Ms. Garner also expressed her frustration on the sound system during the meetings and how difficult it is for the audience to hear.

Ms. Garner suggested that a law book be sent to each new license. She had sent a letter to Ms. Bonnie King of her concerns. A suggestion was made that all nursing schools could print the most current laws for their students from the code revisers web-site:

<http://apps.leg.wa.gov/rcw/>

Ms. Lois Hoell, NorthWest Organization of Nurse Executives (NWONE) reported that Karen Haas Herrick, their executive director, will be resigning December 31, 2006. Ms. Meyer will be speaking to NWONE Executives in Portland about investigations and the complaint process.

15. Sub-committee reports

A. Discipline and Licensing – Jackie Rowe, Chair

DISCUSSION: Ms. Rowe explained that the discipline and licensing strategic plan was adopted at the July meeting. The committee is planning to publish the mandatory reporting guidelines in the newsletter in hopes to get the information out to the public.

B. Consistent Standards of Practice - Rhonda Taylor, Chair -DISCUSSION/ACTION

DISCUSSION: Ms. Rhonda Taylor will meet with Linda Tieman from the Center for Nursing in October in Yakima. Ms. Tieman will discuss how they are doing the surveys. The new systems in hospitals are not user friendly with new students. There is concern that nurses are doing more with less. It was said that new graduates should not be working in emergency room settings. New graduates should be starting in entry level nursing settings until they are more experienced. This will be discussed at the January meeting.

C. Continuing Competency – Todd Herzog, Chair - DISCUSSION/ACTION

DISCUSSION: Mr. Herzog explained continuing competency. The next step of this project will be to review and discuss the completed portfolios from all NCQAC members and RN staff at the November workshop. Mr. Herzog explained that this will be a long and slow process and patient safety is the goal. There was discussion that they need a reference for retired nurses who are not practicing but need a current license to participate in organizations. Mr. Herzog asked the NCQAC members to review the continuing competency professional portfolio pilot project model dated September 8, 2006 and provide any comments for changes. He suggested that at the workshop to break into groups to discuss what went right, what didn't, how much time did it take you, etc.

Closing – Dr. Personett adjourned the meeting on September 8 at 1:32PM. Minutes were recorded by Kris McLaughlin.

DRAFT